...TED STATES.

No. 219.

THE UNITED STATES, APPELLANTS,

vs.

A. B. ROMAN.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF LOUISIANA.

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United States of America,
Eastern District of Louisiana:

United States District Court sitting at New Orleans; in Chancery.

No. 38. { A. B. Roman vs. The United States. } Land Cause.

Be it remembered that heretofore, at the May term, A. D. 1846, of the said court, to wit: on the fifteenth day of June of the said year, A. B. Roman, Plaintiff in the above cause, came, by his solicitors Alfred Roman, and P. E. Bonford Esqrs., into the office of the clerk of said court and there filed his petition, which is in the words and figures following, to wit:

Petition, Filed, June 15th 1846.

To the Honorable T. H. McCaleb, Judge of the District Court, for the District of Louisiana.

The petition of A. B. Roman, a resident of the Parish of Saint James, State of Louisiana, respectfully represents: That your petitioner is the owner of a certain plantation or tract of land, situated in said parish, on the right bank of the Mississippi River, about sixty miles above the city of New Orleans, bounded on the upper side by the property of J .X. Cantrelle, and on the lower side by that of J. B. Cantrelle, and measuring twenty-seven arpents six toises front, by a depth hereafter to be described. That the said plantation or tract of land, composed 1° of a lot of eighteen arpents front purchased from the estate of the late Michel Cantrelle, 2° of another adjoining lot of nine arpents six toises, acquired from the estate of the late Onézime Roman, who had obtained the same from the aforesaid Cantrelle, has been from time immemorial in a state of cultivation.

Your petitioner further represents, that the lot of eighteen arpents front mentioned above as purchased from the estate of Cantrelle, had been acquired by said Cantrelle from the children of Nicolas Verret, and formed a part of a tract of twenty arpents front, which on the 25th of June in the year 1765, was granted by the French government to said Verret, for the use of his children, with *all the depth that could be found*, at the place called Cabaha-Nossé, as is shown by a copy of the said French concession filed herewith and marked D. That this same lot of eighteen arpents

front for[illegible]
front, situated at [illegible]
Verret died in [illegible]
inventory of his property taken [illegible]
extract of which is herewith filed and annexed and marked B. [illegible]
the Cabaha-Nossé, mentioned in said grant and the said inventory, in order to define and ascertain the actual location of the aforesaid tract of land, is a small bayou which still exists, and is now situated between your petitioner's dwelling house and his sugar house.

And your petitioner further represents, that the title of the said Nicolas Verret herein before mentioned, was duly registered in the proper office under the act for ascertaining and adjusting the titles and claims to land within the Territory of Orleans and the District of Louisiana. Your petitioner annexes hereto and prays to be taken as a part of this petition a plat of the survey of this tract made by a surveyor duly authorized and appointed under the laws of the United States, and marked A. And your petitioner sets forth that under the grant aforesaid to Nicolas Verret, he is entitled to claim and does claim all the depth between the Mississippi River and the first course of running water in the rear; that although the lateral lines of the said grant are run out to the Bayou Icétaman which is the first water course in the rear, yet that owing to the height of the water back of your petitioner's plantation at the time of the making of the survey, that said surveyor was unable to trace the course of the said bayou, which your petitioner avers to be the natural boundary of his plantation. That in consequence thereof the said plat on which it appears that the quantity of acres claimed by your petitioner under this grant is 5828, does not quite represent the true quantity which your petitioner is entitled to have confirmed. Your petitioner therefore reserves to himself the right of presenting a more correct delineation of the rear boundary of his tract, together with the additional quantity of land which will be herein included.

And your petitioner further represents that the lot of nine arpents six toises front which remains after deducting from the front of his plantation the eighteen arpents above mentioned, was known as private property in a state of cultivation, in the possession of the aforesaid Cantrelle, for more than ten consecutive years prior to the cession of Louisiana. That four hundred and twenty-three acres, adjacent and back of said front tract, having by pre-emption right, been purchased from the United States, in 1822, by your petitioner and his brother who were then the riparian proprietors, your petitioner now claims the nine arpents six toises front with the usual depth of forty arpents. Your petitioner annexes herewith a plat of the survey of this last mentioned claim made by a surveyor duly authorized and appointed under the laws of the United States and marked B, showing the quantity of land claimed by your petitioner and the directions and length of lines &c.

never ... that your petitioner's title has been confirmed until ... of the act of 6 February 1835, which said error and the cause of it are more particularly set out in the correspondence between the Register of the Land Office at New Orleans and the commissioner of the general Land Office, copies of which hereto annexed and marked C, are prayed to be made part of this petition.

And your petitioner further represents, that to his knowledge there is no person or persons claiming the lands occupied and possessed by your petitioner as aforesaid by a title different from that of your petitioner or holding possession of any part thereof otherwise than by the lease or permission of your petitioner.

And your petitioner further represents, that by the act of Congress entitled "An act to provide for the adjustment of land claims within the States of Missouri, Arkansas and Louisiana and in those parts of the States of Mississippi and Alabama south of the 31st degree of north latitude and between the Mississippi and Perdido rivers," your petitioner has the privilege of having the validity of his title to the aforesaid tract of land or plantation inquired into and decided by this honorable court.

Wherefore, your petitioner prays, that the premises being considered, the eighteen arps. front above mentioned as forming part of the French grant made to Verret in 1765, with all the depth that can be found, that is to say, as far back as the stream or bayou called Icétaman, containing 5828 American acres and also the nine arpents six toises aforesaid with the depth of forty arpents containing 418.40 American acres, as the whole is shown from the plats filed herewith, be ordered and adjudged by this honorable court to have formed no part of the public domain or vacant lands ceded to the United States by the Louisiana treaty, but to have been on the contrary private property,—secured by said treaty to the owners thereof and their legal representatives. Your petitioner further prays that the district attorney be cited to appear and answer this petition and that after due course of law, the validity of your petitioner's claim to the above mentioned tract of land or plantation, be finally acknowledged and confirmed.

And your petitioner further prays for such other and further relief, as the nature and equity of his case may require.

And as in duty bound, &c.

(Signed) ALFRED ROMAN,
Of Counsel for Petitioner.

(Signed) P. E. BONFORD,
Of Counsel for Petitioner.

For exhibits annexed to the foregoing petition, vide documents

A. B. C. D.

transcript, [illegible]

[For maps see original, [illegible]

Document C.

Being the document referred to on page 5 of this transcript as made part of the plaintiff's petition. Filed June 15, 1846.

C.

LAND OFFICE
Eastern District of Louisiana.

New Orleans 24th March 1837.

SIR,—Mr. A. B. Roman owns a plantation situated on the banks of the Mississippi, sixty miles above New Orleans, which has been in a state of cultivation, from time immemorial, by virtue of a complete French title now existing among the documents of this office.—The owner never took any steps to obtain a confirmation from Congress because, from the records of this office, the title appears to have been acted on; a fact which seemed the more likely to be true as the person from whom the land was purchased had been himself deputed in 1806 and 1807 by the board of commissioners to register the titles of the county of Acadia and was not to be supposed to have forgotten his own. It was however discovered by mere chance, since the expiration of the law of 6th February, that he had not done so and that the apparent confirmation is based on titles in the name of the father of the present owner, which have nothing to do with the plantation referred to.—The confirmation must therefore be considered as void and on account of misinformation derived from the above mentioned error, the sugar estate of Mr. Roman for which there is as good a title as to any land in Louisiana must be reported as vacant land belonging to the United States.

As our last report is not yet made, Mr. Roman asks the favor to have his claim recorded with those coming under the provisions of the act of Congress of 6th February 1835.

This question is respectfully submitted to the decision of the commissioner of the general Land Office.

I am very respectfully
your obedient servant,

(Signed) B. Z. CANONGE,
Register.

To JAMES WHITCOMB, Esq.,
Commissioner of the General Land Office.
Washington, D. C.

Office,
24, 1837.

Sir,—Your letter of the 24th March last states that Mr. A. B. Roman who owns a valuable tract of land under a complete French title now existing among the documents of your office, has never taken any steps to obtain a confirmation from Congress, and inasmuch as the time for filing claims under the act of 6th February 1835 expired on the 6th February last, you request instructions as to such course of proceeding as it may be deemed expedient to adopt in reference to this case.

I would recommend that the case with all its attendant circumstances be reported to Congress by way of appendix to your report under the act of 1835.

I am, sir, very respectfully, your obt. servant,

(Signed) JAS. WHITCOMB,
Commissioner.

B. Z. CANONGE, Esq.
Register of the Land Office, New Orleans Da.

REGISTER'S OFFICE,
New Orleans.

I, P. A. St. Martin Register of the Land Office at New Orleans, do hereby certify the foregoing two letters to be true copies, the latter of which is taken from the original on file, and the other from the copy recorded in the Letter-Book belonging to the Archives of this office.

In faith whereof I hereunto subscribe my name, this 3d day of December 1840.

(Signed) P. A. ST. MARTIN,
Register.

Document D.

Being the document referred to on page 2 of this Transcript as filed with Plaintiff's Petition. Filed, June 15th, 1846.

LAND OFFICE,
Eastern District of Louisiana.

CHARLES PHILIPPE AUBRY,
et
DENIS NICOLAS FOUCAULT.

Vu l'exposé en la Requête, en l'autre part du Sieur Nicolas Verret, et dans les veus de lui faciliter l'établissement qu'il veut former pour ses sept enfans, nous lui avons concédé et concédons par les présentes vingt arpens de Terre de face sur toute la profondeur qui pourra s'y trouver, d'une Terre attenant, audessous celle qu'il occupe, située sur le fleuve St. Louis ou Mississippi à l'endroit dit Caba-

anoce [illegible]
Orléans; pour [illegible] ses Hoirs ou ayant [illegible]
poser en toute propriété et usufruit comme de chose à [illegible]
tenant; sauf titres ou possession anterieures à ce contraires; [illegible]
conditions que sous un an de ce jour il les mettra en valeur et rapport à défaut de quoi le dit tems passé, ils seront remis au domaine du Roi, qui pourra en disposer comme si la présente concession n'avait pas été accordée; et à la charge de payer les droits Seigneuriaux si quelques uns sont par la suite établis en cette dite Province. Nous en réservons d'ailleurs pour sa Majesté tous et chacuns les Bois nécéssaires pour construction de Forts, Magasins et autres ouvrages qu'elle a ordonnés ou ordonnera à l'avenir, même pour le Radoub et Carêne de ses Vaisseaux toutes fois et quantes il en sera besoin, ainsi que le Terrain nécessaire pour chemins Royaux et fortifications.

Quant aux aires de vent qui doivent limiter les dits vingt arpens de face, ils seront régles par des Bornes qu'on plantera à cet effet dont on dressera procés verbal qui sera annexé aux presentes après qu'elles auront été registrées à notre régistre de concessions.

Donné à la Nouvelle Orléans sous les sceaux de nos armes et les contre seings de nos secrétaires, le 25 Juin 1765.

(Signé) AUBRY ET FOUCAULT.
(Contre signé) SOUBIE ET DUVERGÉ.

REGISTER'S OFFICE,
New Orleans.

I, B. Z. Canonge, Register of the Land Office, at New Orleans, do hereby certify the foregoing patented concession, to be a true and correct copy taken from the records now in my possession and forming part of the archives of this office.

In faith whereof I hereunto subscribe my name this 22d day of February 1837.

(Signed) B. Z. CANONGE,
Register.

Document E:

Being the document referred to on page 3 of this transcript as filed with plaintiff's petition.

Filed June 15th, 1846.

De l'inventaire fait le dix huit de Novembre mil sept cent soixante quinze, des biens meubles et immeubles laissés par Nicolas Verret, a été extrait littéralement ce qui suit:

L'an mil sept cent soixante quinze et le dix huit Novembre à huit heures du matin en vertu des ordres de sa seigneurie Monseigneur Don Louis de Unzaga et Anuzagua brigadier des armées de sa Majesté, gouverneur et intendant genéral de la Province de la Louisiane et premier juge en la dite Province.

commandant et
Fourches des Tchetimachas paroisse de l'As-
Province de la Louisiane et Michel Cantrelle lieutenant de
milice et commandant par interim au district de Cabahan-Nocé
paroisse St. Jacques à Cabahan-Nocé Province de la Louisiane
nous nous serions transporté exprès sur l'habitation et en la maison
de défunt Monsieur Verret de son vivant lieutenant gouverneur com-
mandant et juge au district de Cabahan-Nocé paroisse Saint Jacques
et Province de la Louisiane aux fins de procéder à l'inventaire
des biens meubles et immeubles appartenant à la succession du dit
défunt et après serment requis par nous et que Madame Marie
Cantrelle, veuve Verret a fait par Dieu par notre seigneur et par le
signe, de la croix de n'avoir rien détourné et qu'elle n'a aucune con-
naissance qu'il n'a rien été diverti en aucune façon quelconque que
ce puisse être des biens appartenant à la societé d'entre elle et feu
son mari Mons'r Verret et assistés de Monsieur François Verret
frère paternel du dit défunt et subrogé-tuteur de Nicolas Jacques
Auguste Philippe et Louis Verret Marie et Marguerite Verret en-
fans mineurs du dit défunt de Messieurs Jacques Cantrelle ancien
capitaine de milice Jacques Cantrelle sous lieutenant de milice Bap-
tiste Picoue grandpère oncle et cousin des mineurs de Messieurs
François Croizet leur cousin et ami Joseph Bourgeois Marguiller
honoraire de l'Eglise paroisse St. Jacques et Simon Le Blanc pre-
mier sergent de milice, de cette côte à laquelle inventaire assistés
des témoins ci-dessus nommés avons procédé à chaque effet meubles,
hardes, esclaves, outils, bestiaux, chevaux, moutons, cabris, et habi-
tations, estimés et prisés par les estimateurs nommés à cet effet
ainsi qu'il suit.

Une habitation qui contient trente arpens de face située aux lieux
nommés Cabahan-Nocé sur la rive droite du fleuve attenant du côté
d'en haut au Sieur Nicolas Verret, et par en bas au nommé Joseph
Hébert sur laquelle il y a une maison de poteaux en terre vieille et
usée entourée et couverte en pieux un magasin de poteaux en terre
entouré en pieux et couvert en bardeaux et tombant en mines une
cuisine de poteaux en terre couverte et entourée en pieux deux ca-
banes à nègres environ vingt arps.—de clôture en pieux de travers
l'habitation avec ses bâtimens et clôtures telle qu'elle se comporte
estimée la somme de cinq mille livres—5,000.

Extrait par Jean Jacques Roman juge de paroisse et notaire, ex
officio de la Paroisse St. Jacques, sur l'original du dit inventaire
demeuré dans les archives de cette paroisse.

En foi de quoi j'ai delivré le présent et l'ai signé et scellé du
sceau de mon office à la Paroisse St. Jacques, le cinq Février mil
huit-cent quarante-six, et de l'indépendance des Etats Unis d'Ame-
rique, la soixante dixième.

(Signed) JEAN JACQUES ROMAN,
Juge d'office Notaire Pub: dans & pour la paroisse St. Jacques.

And thereupon [illegible] lowing

Citation.

United States District Court sitting in and for the District of Louisiana. To the Marshal for the District of Louisiana, or his lawful deputy, greeting:—

You are hereby commanded to summon S. W. Downs U. S. District Attorney, to appear before the Honorable Judge of the District Court of the United States sitting in and for the District of Louisiana at a District Court to be holden at New Orleans on the first Monday of July 1846; then and there to answer a petition in Chancery filed against the United States, wherein A. B. Roman is petitioner and the United States is defendant.

Herein fail not, and have you then and there this writ, with your endorsement thereon, how you have executed the same.

Witness the Honorable T. H. McCaleb, Judge this 15th day of June New Orleans 1846, and 70th year of American Independence.

(Signed) L. E. SIMONDS,
Deputy Clerk.

Mem: The defendant is to enter an appearance in the above cause in the clerk's office on or before the first Monday of July 1846; otherwise the petition may be taken pro confesso.

On which was thereafter duly registered in the clerk's office the following

MARSHAL'S RETURN.

Received this 15th day of June 1846 and on the same day served copies of the within citation. Plaintiff's petition and documents annexed, on the within named S. W. Downs Esq: U. S. District Attorney; in the manner following, to wit: in person at New Orleans and returned the same day.

(Signed) W. F. WAGNER,
U. S. Marshal.

And further, at the same term, to wit: on the fifth day of November 1846 the defendants appeared by their attorney and filed in the clerk's office the following

Answer.

A. B. ROMAN
vs.
THE UNITED STATES.

In the District Court of the United States for the District of Louisiana.

[illegible] petition [illegible] all the facts and allegations therein contained. Wherefore they pray that the said petition may be dismissed at plaintiff's costs.

(Signed) THOMAS J. DURANT,
Nov. 5th 1846. *Atty.*

And afterwards, at the February term 1849, to wit: on the fourteenth day of March of said year, the following entry was made of record on the minutes of the court, to wit:

A. B. ROMAN
vs.
THE UNITED STATES. } No. 38.

Wednesday March 14th 1849.

This cause was to-day called up for hearing; but on motion of P. E. Bonford, Esq. solicitor for the complainant, it was ordered that the same be continued until Friday the 30th of March, A. D. 1849.

And further, at the same term, to wit: on the 23d of April, A. D. 1849, the parties plaintiff & defendant appeared and filed in the clerk's office the following

Agreement.

U. S. District Court,

A. B. ROMAN
vs.
THE UNITED STATES.

It is agreed that a commission issue in this case to Jerome K. Gaudet in the Parish of St. James to take the testimony of Michel Berjeron—Pierre Richard Alexis Rome and others.

(Signed) P. E. BONFORD,
Solr. for Complt.

(Signed) THOMAS J. DURANTE,
Atty. U. S. E. D. La.

New Orleans April 23d 1849.

And further, at the same term to wit: on the 24th April, A. D. 1849, the following entry was made of record on the minutes of the court, viz:

A. B. Roman
vs. } 38
The United States.

Tuesday April 24th 1849.

This cause was to-day called up for hearing; but it being shown that by agreement of parties, a commission to take testimony on behalf of the plaintiff is about to be issued, it is ordered that the same be continued until further notice.

And thereupon, on the 26th day of April, A. D. 1849, was issued from the clerk's office the commission hereinafter copied on page 27 of this transcript.

And afterwards at the May term, 1849, of said court, to wit: on the 29th day of May of said year, the following entry was made of record on the minutes of the court, to wit:

A. B. Roman
vs. } 38
The United States.

Tuesday May 29th 1849.

On motion of P. E. Bonford Esq. of counsel for the complainant, the Attorney of the U. S. hereto assenting, it is ordered that this cause be assigned and set down for trial on Saturday next, the 2d June, 10 A. M.

And accordingly on the said second day of June, A. D. 1849, at the same term, the following entry was made of record on the minutes of the court, viz:

A. B. Roman
vs. } 38
The United States.

Saturday, June the 2d, 1849.

Present:

Hon: Theo: H. McCaleb.

This cause came regularly up for hearing to-day: P. E. Bonford, Esq., of counsel for complainant, and Thos. J. Durant, Esq. for defendants present. Evidence was adduced by the plaintiff, and argument heard; when the court took the case under advisement.

And be it remembered that the evidence this day offered by the plaintiff on the trial of his cause, is the following

First—The plaintiff offered in evidence the document marked D: being a certified copy of an original concession made by Aubry and

[illegible] Verret on the [illegible] 1775; which document is already copied on pages 13th and [illegible] of this transcript.

Second—The plaintiff offered a certain document marked E. being an extract from the inventory of Verret's property, made Nover. 18th, 1775; which document is already copied on pages 16 & 18 of this transcript.

Third—The plaintiffs offered in evidence a certain document endorsed "Vente sous seing privé par Auguste Verret à Michel Cantrelle 24 Janvier 1788;" which document reads as follows.—

Par sous seing privé passé entre nous Auguste Verret et Michel Cantrelle en présence des témoins Soussignés nous sommes convenus de ce qui suit, Savoir:

Moi Auguste Verret reconnais avoir vendu à Monsieur Michel Cantrelle mon habitation telle qu'elle se comporte sans aucune réserve quelconque, qui tient par en bas à mon susdit sieur Cantrelle, et par en haut au sieur Bonavanture Gaudin, pour prix et somme de trois mille piastres monoye courante payable à la livreson de la dite habitation, qui sera dans le courant de Décembre de la présente année, dont je m'oblige de lui en faire faire la vente au Greffe de la Nlle. Orléans à sa première requisition.

Fait double, à la paroisse St. Jacques, ce 24 Janvier 1788.

(Signed) AUGUSTE VERRET,
(Signed) MICHEL CANTRELLE.

(Signed) B. VERRET, *témoin*,
(Signed) ETIENNE LE BLANC, *témoin*.

Receipts annexed to the foregoing "Vente sous seing privé."

Nous avons reçu de Monsieur Cantrelle la somme de quatre cents piastres pour parfait payement de quatre arpens de terre que nous lui avons vendu le 19 8bre. 1783.

(Signed) VERRET.
(Signed) LOUIS VERRET.

J'ay reçu de Mr. Cantrelle Commandant du Accadiem à la paroisse St. Jacques la somme de cent piastres, pour cent neuf pieds de Terre, que je lui est Vendu, attenant au Sieur Auguste Verret d'un côté, et à la terre de son moulin de l'autre, avec l'ouverture de trois degrés dont je m'oblige de faire poser les bornes, fait à la paroisse St. Jacques le vingt neuf Mars 1784.

(Signed) N. VERRET.

Fourth.—The plaintiff offered in evidence the depositions of Michel Bergeron Pierre Richard and Alexis Rome; which depositions and accompanying documents are as follows.

District Court of the United States for the Eastern Dist. Louisiana.

To Jerome K. Gaudet, Esqre. in the parish of St. James, Louisa.

Know ye, that reposing special trust and confidence in your integrity and ability we hereby authorize and require you, that you call and cause to come before you the witnesses named in the annexed interrogatories, and them duly examine on oath, touching and concerning certain matters and things in a cause now depending in the said court, wherein A. B. Roman is plaintiff and the United States are defendants; and the same examinations, so taken and reduced to writing, you certify under your hand and seal, and send enclosed to this court without delay, to be read in evidence on the trial of said cause, and send also this writ.

Witness the Honorable Theo. H. McCaleb judge of said court at the city of New Orleans, this 26th day of April, Anno Domini, 1849 and the 73d year of the Independence of the United States of America.

[SEAL.] (Signed) ROBT. M. LUSHER,
Deputy Clerk.

Interrogatories.

A. B. ROMAN
vs.
THE UNITED STATES.

District Court for the Eastern District of Louisiana.

Interrogatories to be propounded to Michel Bergeron, Pierre Richard and Alexis Rome witnesses to be examined under the annexed commission on behalf of the plaintiff in a certain cause now pending in the District Court of the United States for the Eastern District of Louisiana wherein A. B. Roman is plaintiff and the United States defendant.

1st Interrogatory.—What is your name, age and occupation, and where do you reside. If in the parish of St. James, state how long you have resided there?

2d Interrogatory.—Do you know a plantation belonging to the plaintiff in this cause in the parish of St. James? If yea, state where the same is situated, on what bank of the river and how far above the city of New Orleans.

3d Interrogatory.—Do you know who was the original owner of the said plantation? If yea, state who he was and how if to your knowledge he became the owner thereof? State whether you know the said owner to have held office, and if any, what office in the parish of St. James?

4th Interrogatory.—Did you know the late Michel Cantrelle?

[illegible] plantation as owner? [illegible] during what time did he continue in such possession? State whether the said Cantrelle held any and if any, what office in the said parish, and what were his functions, and duties.

5th Interrogatory.—Does there or does there not exist a Bayou on the plantation in the second interrogatory mentioned, running from the back lands to the Mississippi river? What is its name and its position on the said plantation? Did it always pass by the same name?

6th Interrogatory.—Do you know whether or not the house of Nicolas Verret was situated on or near this bayou? Can you state according to the best of your recollection how many arpents of the front of the plantation were above and how many below this bayou? State as far as you can recollect the boundaries of the land of the original settler?

7th Interrogatory.—Do you know whether the lands now composing the said plantation of the plaintiff have or have not been under cultivation? If yea state how long and from what time the said lands have been cultivated—and by whom. State how long you have known Nicolas Verret to have been in the actual possession of the tract in the 2d interrogatory mentioned.

8th Interrogatory.—Do you know anything else of advantage to the plaintiff in this cause? If yea state the same as if you were particularly interrogated thereto.

(Signed) P. E. BONFORD,
For Plaintiff.

Cross-Interrogatories.

1st.—Have you any interest in the event of this suit? Will you gain or lose anything should this suit be decided in favor of plaintiff?

2d.—Are you related or connected with the plaintiff, and if so in what degree?

3d.—Do you know, or can you set forth, any other matter or things, which may be a benefit or advantage to the parties at issue in this cause or either of them or that may be material to the subject of this your examination, or the matters in question in this cause? If yea, set forth the same fully and at large in your answer.

(Signed) THOMAS J. DURANT,
Atty. U. S. for E. Dist. La.

New Orleans, 24 April 1849.

A. B. ROMAN
vs.
THE UNITED STATES.

United States District Court, for the Eastern District of Louisiana.

By virtue of a commission to me directed in the above entitled case by the Honorable the United States District Court for the Eastern District of Louisiana, I. Jerome Kléber Gaudet of the Parish of Saint James, State of Louisiana, have called and caused to appear before me Mess: Alexis Rome, Pierre Richard and Michel Bergeron, witnesses in behalf of plaintiff, and residing in said parish, who have answered as follows to the interrogatories and cross-interrogatories annexed to said commission.

Mr. Alexis Rome, being first duly sworn, deposeth and sayeth, to the 1st interrogatory: His name is Alexis Rome, is about ninety-two years of age, resides in the parish of St. James, is by trade a planter, has resided in the parish of St. James about seventy five years, came to reside in said parish at the age of seventeen and has ever since resided there; was born in the adjoining parish of St. John the Baptist.

To the 2d Interrogatory: Knows in the parish of St. James a plantation belonging to A. B. Roman, said plantation is situated on the right bank of the Mississippi river about nineteen or twenty leagues above New Orleans,

To the 3d Interrogatory: Nicolas Verret was the first owner of the plantation mentioned in the second interrogatory; the said plantation was occupied by Indians of the Houmas tribe, before Nicolas Verret came to settle there; Nicolas Verret was judge and commandant of the parish of St. James.

To the 4th Interrogatory: Knew the late Michel Cantrelle, and knew said Cantrelle to have been the owner of the plantation mentioned in the two preceding interrogatories. Michel Cantrelle became owner of said plantation a few years after the death of Nicolas Verret, by purchasing the same from the heirs of said Verret; Michel Cantrelle remained in possession of said plantation up to the time of his death; Michel Cantrelle succeeded Nicolas Verret as commandant of the parish and retained said office until the cession of Louisiana to the United States.

To the 5th Interrogatory: There exists a bayou on the plantation mentioned in the second interrogatory, said bayou extending from the Mississippi to the back lands; the said bayou was known under the name of Cabahanosée, given to it by the Indians, and meaning in their language the "Sleeping place of the ducks;" said name was also subsequently given to the whole parish, on account of the residence of the commandant on said Bayou Cabahanosée; has never known the said bayou under any other name than that of Cabahanosée.

[illegible] Nicolas Verret was [illegible] four or five arpents above the Bayou Cabahanosée, and near a place where there now exist some pecan trees; said pecan trees existed at the time that the house of Nicolas Verret was standing, but were very small trees; does not recollect how many arpents the front of said plantation of Nicolas Verret extended above or below the bayou; the said plantation was bounded above by a marsh near the river on land now belonging to Mess: Webre, and below by lands then the property of Hébert brothers, who had themselves purchased their tract of land from Nicolas Verret.

To the 7th Interrogatory: The land settled by Nicolas Verret was always under cultivation from the time said land came into his possession, and has ever to the knowledge of witness been cultivated from the period above mentioned up to the present time; before witness came to reside in St. James, he saw the said land under cultivation; the tract belonging subsequently to the Hebert brothers, was cultivated as well as the other tract adjoining and then the property of Nicolas Verret.

To the 8th Interrogatory: Knows that Nicolas Verret had a son named Nicolas who resided in the parish of St. James; knows nothing further.

To the cross interrogatories witness answereth and sayeth:

To the 1st cross Interrogatory: Has no interest whatever in the event of this suit; will gain or lose nothing whatsoever should the suit be decided in favor of plaintiff.

To the 2d cross Interrogatory: Is not related to or connected with plaintiff in any degree.

To the 3d Interrogatory: Knows nothing further material to the subject of his examination, or the matters in question in this cause.

Ordinary mark
×
of ALEXIS ROME.

Sworn to and subscribed at the parish of Saint James, this third day of May one thousand eight hundred and forty nine, before me
(Signed) J. K. GAUDET.

Mr. Pierre Richard being first duly sworn, deposeth & sayeth:

To the 1st Interrogatory: His name is Pierre Richard, is about eighty-two years of age, is by trade a planter, resides in the Parish of St. James, has ever resided in the said parish from his birth up to the present time.

To the 2d & 3d Interrogatories: Knows a plantation in the Parish of St. James, belonging to Mr. A. B. Roman, said plantation is about nineteen or twenty leagues above New Orleans, and is situated on the right bank of the Mississippi; the first owner of said plantation was named Nicolas Verret; does not believe that there

was any owner of [illegible]
was born and brought up in the immediate vicinity of [illegible]
tion, about a mile below the same; does not know how Verret came into possession of said land, but believes he acquired it by means of a concession from the French government; believes Verret to have been the first owner of said land; a large number of Indians resided on the said plantation, while it was in possession of Nicolas Verret; Nicolas Verret was commandant of the Parish of St. James.

To the 4th Interrogatory: Knew Michel Cantrelle; said Cantrelle became owner of the plantation now belonging to the plaintiff, after the death of Nicolas Verret, by purchasing the same from the heirs of said Verret; Michel Cantrelle resided on said plantation from the time of his purchase of the same up to his death; Michel Cantrelle was commandant of the parish and succeeded Mr. Verret; witness caused his titles to his lands to be registered by said Michel Cantrelle; knows that after the cession of Louisiana to the United States Mr. Cantrelle was appointed commissioner to register the title to lands situated in the parish.

To the 5th Interrogatory: There is on the plantation mentioned in the second interrogatory a Bayou which was called Bayou Cabahanosée, knew a saw-mill to have been erected on said bayou; said bayou is to his knowledge the only one of the kind between Lafourche and New Orleans; never knew the said bayou under any other name than that of Cabahanosée.

To the 6th Interrogatory: The house of Nicolas Verret was situated above the Bayou Cabahanosée about four arpents from the same; the lands of Verret extended on both sides of the said bayou, above and below, and extended below eight or nine arpents, as far as lands then belonging to Hèbert brothers, and above as far as a marsh now on the land of Wèbre brothers; that the tract of land then owned by Hébert brothers was purchased by Michel Cantrelle who afterwards transferred the same to his son-in-law Onèzime Roman.

To the 7th Interrogatory: As far back as his recollection extends, witness has ever known the land now belonging to A. B. Roman to be under cultivation; said land was cultivated a great many years before the cession of the country to the United States; saw Nicolas Verret on his death bed; witness although then very young distinctly recollects having seen said Verret a short time previous to his death and laboring under the disease of which he died,—on said plantation.

To the 8th Interrogatory:—Witness was well acquainted with all the children of Nicolas Verret; recollects that the name of his eldest son was also Nicolas Verret; the last one of the heirs of Nicolas Verret who sold his share of his father's estate to Mr. Cantrelle, was called Auguste Verret, and resided in the house previously occupied by his late father Nicolas Verret; and said Auguste

[illegible] witness knows no-

To the 1st cross Interrogatory, witness answers: has no interest in the event of this suit; he can neither gain nor lose should the case be decided in favor of plaintiff.

To the 2d cross Interrogatory: Is not connected in any degree with the plaintiff.

To the 3d cross Interrogatory: Knows nothing further in relation to the matters in question in this cause.

(Signed) PIERRE RICHARD.

Sworn to and subscribed at the parish of St. James, this 3d May, 1849. Before me,

(Signed) J. K. GAUDET.

Mr. Michel Bergeron being first duly sworn, deposeth and sayeth:

To the 1st Interrogatory answers: His name is Michel Bergeron, is about seventy-four years old, planter by trade; resides in the parish of St. James; was born in the parish of St. James, and has resided in said parish from his birth up to the present time.

To the 2d Interrogatory: Knows in the parish of St. James a plantation belonging to A. B. Roman; said plantation is situated on the right bank of the Mississippi, about twenty leagues above New Orleans.

To the 3d Interrogatory: Believes that the first owner of the plantation above mentioned was Nicolas Verret; that the same afterwards became the property of Michel Cantrelle; Nicolas Verret was commandant of the parish, and was succeeded by Mr. Cantrelle in said office.

To the 4th Interrogatory: Knew Michel Cantrelle; knew him in possession of the plantation above mentioned, he resided on the same and died there. Michel Cantrelle was commandant of the parish after the death of Mr. Verret, and afterwards became parish judge, after the cession of the country to the United States; knows that Mr. Cantrelle was appointed commissioner to register titles to lands situated in the parish of St. James; witness had himself his land titles registered by Michel Cantrelle.

To the 5th Interrogatory: There is on the plantation above mentioned, a natural bayou, called Cabahanosée; a saw mill was built on the said bayou; a number of Indians resided there; said bayou ran from the river to the back lands; never knew said bayou under any other name than that of Cabahanosée, but owing to its being on the lands of Mr. Verret, it was sometimes designated as Mr. Verret's bayou, (le bayou de Mr. Verret.)

To the 6th Interrogatory: Does not recollect having seen the house of Mr. Verret; does not recollect how far the front of Nicolas Verret's land extended above and below the bayou; does not know the boundaries of said land.

To the 7th Interrogatory: [illegible] of A. B. Roman, have been under cultivation more than [illegible] said lands were cultivated, when witness recollects having first seen them, by Michel Cantrelle; said lands were planted in cane more than fifty years ago; witness recollects having danced at a ball given in the sugar house of Mr. Cantrelle on said lands, about forty eight years ago; said sugar house was erected more than fifty three years ago, and was the first one put in operation in the parish of St. James.

To the 8th Interrogatory: Has known Auguste Verret; he resided on the lands formerly occupied by his father, Nicolas Verret, and lived in a house four or five arpents above the bayou, near some pecan trees, still subsisting on the plantation of A. B. Roman; Auguste Verret died a number of years ago.

Cross Interrogatories.—To the 1st cross Interrogatory witness sayeth: He has no interest in the event of the suit.

To the 2d cross Interrogatory: He is not related in any degree to, nor connected with A. B. Roman, the plaintiff in this suit.

To the 3d cross Interrogatory: Knows nothing further material to the matters in question in this cause.

(Signed) MICHEL BERGERON.

Sworn to and subscribed at the parish of St. James, this 3d May, 1849. Before me

(Signed) J. K. GAUDET.

I do hereby certify, under my hand and private seal, that by virtue of the annexed commission, I duly called and caused to appear before me, Mess. Alexis Rome, Pierre Richard, and Michel Bergeron, witnesses in the case now depending in the District Court of the United States for the Eastern District of Louisiana, in the matter of A. B. Roman vs. the United States; that said witnesses were by me duly sworn, and that the foregoing contain their answers, by them duly and respectively signed. One of the above named witnesses, to wit: Alexis Rome, having declared that he could not sign, has affixed his cross or ordinary mark in presence of the undersigned.

In witness whereof I have hereunto subscribed my name and affixed my private seal, at the Parish of St. James, State of Louisiana, this third day of May of the year of our Lord one thousand eight hundred and forty-nine.

[J. K. G.] (Signed) J. K. GAUDET.

Fifth:—The plaintiff's offered in evidence a certain Document endorsed "Declaration par Auguste Verret (decédé) faite le 20 Février, 1836;" which Document reads as follows:—

Par devant moi Bela Hubbard juge de paroisse de la Paroisse Assomption, est personnellement comparu le sieur Auguste Verret, habitant respectable domicilié en cette Paroisse, lequel après avoir été dûment assermenté, a dit et declaré qu'il est agé de quatre vingt huit ans passé, et qu'il connait parfaitement l'habitation qui appartient maintenant a Mr. André Bienvenu Roman, située dans la Paroisse St. Jacques, en cet Etat, sur la rive droite du fleuve Mississippi, à environ dix neuf lieues au dessus de la Nouvelle Orléans; que la portion de cette habitation qui provient de la succession de feu Michel Cantrelle, a appartenue autrefois à feu Nicolas Verret, père du déclarant; que le dit Nicolas Verret, qui a été Commandant Civil et Militaire de la Paroisse St. Jacques en etait possesseur en vertu d'une concession, portant une profondeur illimitée, qu'il avait obtenue du Gouvernement Français en 1765, pour l'établissement de ses enfans, qu'un grand Canal ou plutôt Bayou naturel appellé Cabahanocé se prolonge de la Ciprière au fleuve, sur la terre de Mr. Roman, et se trouvait a peuprès au milieu de l'habitation Cantrelle; que ce Bayou fut remarquable en ce qu'il est le seul de ce genre qui se trouve entre la Fourche et la Nouvelle Orléans, et l'endroit que le Gouvernement Français, a designé pour faire Connaitre le lieu ou il *il* a accordé cette concession—que Nicolas Verret residait, lui-même près de ce Bayou; que terre que lui a été concédée en 1765, se trouvait sur les deux bords du Bayou Cabahanocé commençait à environ neuf arpens au dessous du dit Bayou et s'étendait en remontant au delà de la limite supérieure actuelle de l'habitation Roman. Immédiatement au dessus de cette terre s'en trouvait une autre que Nicolas Verret possédait aussi en vertu d'une première concession obtenue du Gouvernement Français en 1762; celle-ci s'aretait en remontant au bout du premier grand marais qui se trouve sur l'habitation de Madame Veuve George Wèbre près du chemin public à l'endroit où était la limite superieure de l'habitation Webre, grand elle appartenait aux Messieurs Verret.

Le comparant est d'autant plus certain de l'exactitude du détail qu'il, vient de donner qu'il a possédé lui-meme à titre d'heritage, une portion de la terre concédée en 1765 à Nicolas Verret son père et qu'il est l'un de ceux qui l'ont vendue à feu Michel Cantrelle. Le comparant déclare de plus que le dit Michel Cantrelle était Commandant Civil et Militaire de la Paroisse St. Jacques à l'epoque où la Louisiane, a été cédée aux Etats Unis, qu'il demeurait alors sur son habitation sus-mentionnée, et en avait été en possession paisible et non interrompue, depuis un grand nombre d'années.

(Signed) A. VERRET.

Sworn & subscribed before me at the Parish of Assumption this 20th February 1839.

(Signed) BELA HUBBARD.
Par. Judge.

Sixth.—Plaintiff offered [illegible]
"Vente d'habitation par J. B. Armant, M. B. Cantrelle & Jos. Cantrelle, executiers testamentaires de feu Mr. Cantrelle, à Victorin Roman;" which document reads as follows:

Pardevant moi Augustin Dominique Tureaud, Juge de la Paroisse St. Jacques, Cinquième district Sénatorial Etat de la Louisiane y residant, dûment Autorise à y remplir les fonctions Notariales, et les temoins ci après nommés et sousignés. Furent présens, Messieurs Jean Baptiste Armant, Michel Bernard Cantrelle et Joseph Xavier Cantrelle, stipulants tant en leurs noms particuliers qu'au nom de leurs co-héritiers dans la succession de feu Monsieur Michel Cantrelle, et aussi comme exécuteurs testamentaires du dit feu Michel Cantrelle ainsi qu'il conste par son Testament, reçu par moi Juge et Notaire Soussigné, en présence de temoins, le vingt troisième jour du mois d'octobre de l'année mil huit cent quatorze. Lesquels, en leurs dite qualité ont par ces presentes, vendu, delaissé et transporté, des maintenant et toujours, avec promesse de guarantir de tous troubles, dons, donaires, dettes, hypothèques, evictions, substitution, alienations, et autres empêchemens généralement quelconque. Au Sieur Victorin Roman, habitant propriétaire et domicilié en cette Paroisse, à ce présent, et acceptant acquereur, pour lui, les siens, ses heritiers et ayant cause.

Une habitation située dans cette Paroisse sur la rive droite du Mississippi, à dix neuf lieues environ de la Nouvelle Orléans, composée de dix huit arpens de face au fleuve, sur une profondeur illimitée, bornée dans sa partie superieure, par l'habitation, appartenant ci-devant au sieur Evarisste Villiavassé et maintenant à Madame Veuve Michel Cantrelle et par sa borne inférieure, par celle appartenant a la succession de feu Monsieur Onézime Roman; sur la quelle dite habitation se trouvent les établissements suivants: 1°. Une maison de maître et deux autres petites maisons: 2°. Une sucrerie, un moulin à sucre et équipage, une guildive montée: 4°. Un moulin à planches: 5°. Trois magasins: 6°. Un moulin à farine: 7°. Une forge montée: 8°. Cuisine, poulailler et cabanes à négres, circonstances et dépendences, ainsi que le tout se poursuit et comporte; la quelle habitation, et ses dépendances, l'acquéreur déclare bien connaître, pour avoir le tout vu, visité, et examiné, avant les presentes en être en possession, content et satisfait, et n'en pas desirer une plus ample designation; et pour du tout jouir, faire et disposer par l'acquéreur, comme de chose lui appartenante en toute propriété, à compter de ce jour, au moyen des presentes: Néamoins, l'acquereur, ne pourra entrer en jouissance de la maison principale, cour et jardin, que le quinzième jour du mois de Fevrier prochain. L'habitation ci-dessus vendue, ainsi que ses circonstances et dépendances, est la même que celle qui à été adjugée à Francois Dauphinhomme de couleur libre, à la vente des biens de feu Monsieur Michel Cantrelle, faite par moi Juge Soussigné, le Neuvième jour du présent mois de Janvier, et dont le dit François Dauphin, homme de couleur, libre,

[illegible] avant
[illegible] Juge et Notaire Soussigné,
le vingt-sixième jour du présent mois de Janvier.

Attendu que les vendeurs ont declaré qu'il existait sur l'habitation par eux vendue une hypothéque en faveur de Monsieur Jean Baptiste Poëyfarré de la Nouvelle Orléans, pour sureté et garantie d'une somme de sept mille cinq cents piastres; qui lui sont dues par feu Monsieur Michel Cantrelle, les vendeurs s'obligent, d'en rapporter à l'acquereur main levée et certificat de radiation avant le payement final de la présente vente.

Cette vente est faite à la charge, par l'acquereur, qui s'y oblige de laisser enlever librement les objets ci-après: 1°. Six matelats de têtes, et deux matelats de plan de canne: 2°. un fourneau de briques: 3°. quatre milliers de bardeaux environ: 4°. trois cents pieux environ qui sont dans la Cyprière: 5°. une chaudière à sucre qui sest de rafraichissoir: 6°. Et enfin, la jouissance de la purgerie ou se trouve maintenant les sucres de la derniere récolte; jusqu'au trente et unieme jour du mois d'avril prochain; sans que l'acquereur puisse pretendre à aucune indemnité de la part des vendeurs pour frais de magazinage ou autres.

Cette vente est faite à la charge, par l'acquereur qui s'y oblige, de payer les frais au quel le présent contrat donnera lieu, ainsi que d'acquitter les contributions foncières et autres di toutes nature, dont l'habitation est, ou pourra être chargé à l'avenir.

Cette vente est faite en outre, pour et moyennant la somme de trente mille piastres, payables aux clauses et conditions suivantes: sept mille cinq piastres, dans le courant du mois de mars prochain de l'année mil huit cent dix sept; sept mille cinq cents piastres, dans le courant du mois de mars de l'année mil huit cent dix huit; sept mille cinq cents piastres dans le courant du mois de mars de l'année mil huit cent dix neuf; et pour solde et final payement, pareille somme de sept mil cinq cents piastres dans le courant du mois de mars de l'année mil huit cent vingt; pour lesquels quatre payemens sus-énoncés, l'acquereur a fourni ses quatre billets, en date de ce jour payable au domicile de l'honorable A. D. Tureaud, juge de cette dite Paroisse, de pareille somme châque et payables aux-mêmes échéances à l'ordre de Monsieur Sosthen Roman, qui les a endosés, en presence de Nous Juge et témoins soussignés, en suite remis aux vendeurs, qui le reconnaissent et dont ils donnent décharge à l'acquereur, et pour constater l'identité des dits billets avec les présentes, ils ont été paraphés *névaritur*, par moi juge et Notaire Soussigné. A la garantie des payemens sus-énoncés, et de l'éxecution des autres clauses et conditions exprimées au présent acte; l'habitation, les édifices ainsi que les circonstances et dependances, qui font l'objet de la présente vente restent et demeurent affectés, obligés et hypothéqués par privilège special expressement reservé aux vendeurs.

Sous la reserve de ce privelège, les vendeurs mettent et subrogent l'acquereur dans tous les droits de proprieté qu'ils ont et peuvent avoir sur l'habitation et autres objets par eux présentement vendus,

s'en dessaisissant à [illegible]
session, par qui, et ainsi qu'il [illegible]
pour procureur, le porteur d'une expédition des présentes, lui donnant tous pouvoirs; car ainsi: &a. Promettant, obligeant et Renonçant &a. Dont acte fait et passé en mon office, en la Paroisse St. Jacques le vingt septième jour du mois de janvier mil huit cent seize, et de l'indépendance des Etats Unis d'Amerique la quarantième année, en présence des sieurs Pierre Richard, et Nicolas Joseph Bauquet de Laroque, temoins exprès requis et domiciliés; et les comparant, témoins et juge ont signé le présent après faite: ainsi signé à l'original.

Jn. Bte. Armant, éxécuteur testamentaire de feu Mr. Mel. Cantrelle.

J. X. Cantrelle éxécuteur testamentaire: Md. Bd. Cantrelle éxécuteur testamentaire: V. Roman. Pierre Richard. N. J. B. Laroque et A. D. Tureaud, juge &c. &c.

Delivrée la présente copie conforme à l'original, resté déposé dans les archives de cette Paroisse, pour recours.

En foi de quoi, je l'ai signée et scellée en marge du scéau de mon office, en la Paroisse St. Jacques, le seizième jour du mois d'Avril mil huit cent dix sept et de l'indépendance des Etats Unis de l'Amerique la quarante et unième année.

[SEAL.] (Signed) A. D. TUREAUD,
Juge.

Seventh.—The Plaintiffs offered in evidence a certain document marked D. (2.) and endorsed "Cession par F. Dauphin, H. de C. L. à Mr. Victorin Roman et René Saint Pé;" which document reads as follows:

Pardevant moi, Augustin Dominique Tureaud, juge de la paroisse St. Jacques, Cinquième district Sénatorial, Etat de la Louisiane, y residant, dûment autorisé à y remplir les fonctions notoriales et les temoins ci-après nommés et soussignés:

Fut présent François Dauphin homme de couleur libre, domicilié en la paroisse St. Jean Baptiste, maintenant dans cette dite paroisse.

Lequel a dit et déclaré avoir retrocédé, comme de fait il retrocède par ces présentes.

Aux—Sieurs, Victorin Roman, et René Saint Pé, à ce présents, et acceptant pour eux, leurs héritiers, successeurs et ayant cause.

L'habitation dépendant de la succession de feu Monsieur Michel Cantrelle, avec toutes ses circonstances ét dependances, tel que le tout a été adjudgé au comparant par moi, Juge soussigné, le neuf du présent mois de Janvier.

La présente retrocession est faite avec les réserves et charges stipulés dans le procès verbal d'adjudication; conditions que les dits sieurs Roman & Saint Pé declarent bien connaître, et s'obligent à remplir.

[illegible] moyennant la somme de [illegible] piastres, que les dits Sieurs Victorin Roman et René Saint Pé, s'obligent et promettent de payer aux termes, clauses & conditions stipulés dans le procès verbal d'adjudication sus-mentionné.

Sous la foi de l'entière éxécution par les dits Sieurs Roman et Saint Pé, des dites clauses & conditions le dit François Dauphin, homme de couleur libre, abandonne, des maintenant et à toujours aux dits retrocessionnaires, tous les droits qu'il a, et peut avoir sur l'habitation du dit feu Michel Cantrelle, qui lui avait été adjugée, comme il est dit ci-dessus; voulant qu'ils en soient saisis et mis en possession par qui, et ainsi qu'il appartiendra; constituant à cet effet pour procureur le porteur d'une expédition de ces presentes, lui en donnant tout pouvoir. Car ainsi &a.—Promettant, obligeant & renonçant &a. Dont acte, fait et passé en mon office, à la paroisse St. Jacques, le vingt sixième du mois de Janvier mil huit cent, seize, et de l'Indépendance des Etats Unis d'Amerique la quarantième année, en présence des sieurs Pierre André Cazimir Pourcine et Nicolas Joseph Bauquet de Laroque, témoins exprès requis et domiciliés; et les comparans, temoins et juge ont signé le présent après lecture faite.

(Signé à la minute:) FS. DAUPHIN,
SAINT PÉ,
V. ROMAN,
POURSINE,
N. J. B. LAROQUE,
A. D. TUREAUD,
Juge et Notaire.

Pour copie conforme: en foi de quoi je l'ai signée et scellée du sceau de mon office, à la Paroisse St. Jacques le vingt sept Janvier mil huit cent trente.

[SEAL.] (Signed) J. FABRE, *Juge.*

Eighth.—The Plaintiffs offered in evidence a certain document marked E, (2) and endorsed "Cession par Saint Pé en faveur de Victorin Roman sur la moitié indivise d'une habitation, qu'ils avaient achetée de François Dauphin H. de C. L. le 26 Janvier 1816"—which document reads as follows:

Par devant moi, Augustin Dominique Tureaud, Juge de la Paroisse St. Jacques, Cinquième District Sénatorial, Etat de la Louisiane, y residant, dûment autorisé à y remplir les fonctions notariales, et les temoins ci-après nommés & soussignés:

Fut présent le sieur Pierre Saint Pé, domicilié en la paroisse de la Nouvelle Orleans, maintenant en cette dite paroisse, le quel a dit et déclaré, ceder & transporter des maintenant et a toujours.

Au Sieur Victorin Roman, habitant, propriétaire & domicilié en cette dite paroisse, a ce présent et acceptant pour lui, ses heritiers et ayant cause.

La moitié de l'habitation qu'[illegible] par moi, juge soussigné, du nommé François [illegible] couleur libre; la dite habitation, ainsi qu'il est énoncé au dit acte, dépendant de la succession de feu Monsieur Michel Cantrelle, en consequence le dit Sieur Saint Pé déclare par ces présentes faire abandon général, et sans aucune espèce de réserves quelconques, de tous les droits, actions et pretentions, qu'il a, et peut avoir, sur la moitié de l'habitation qui fait l'objet du présent, s'en désaisissant au profit du dit Sieur Victorin Roman, voulant qu'il en soit saisi et mis en possession par qui, et ainsi qu'il appartiendra: Constituant à cet effet pour procureur, le porteur d'une expédition des présentes: Car ainsi &a. Promettant, obligeant & renonçant &a. Dont acte:

Fait et passé en mon office en la Paroisse St. Jacques le vingt sixième jour du mois de Janvier Mil huit cent seize, et de l'Independance des Etats Unis d'Amerique la quarantième année, en présence des Sieurs Pierre André Cazimir Pourcine, et Nicolas Joseph Bauquet de Laroque, témoins exprès requis & domiciliés; et les comparans, témoins et juge, ont signé le présent après lecture faite.

(Signé à la minute) SAINT PÉ,
V. ROMAN,
POURCINE,
N. J. B. LAROQUE,
A. D. TUREAUD,
Juge et Notaire.

Pour copie conforme à la minute; en foi de quoi je l'ai signée et scellée du sceau de mon office à la Paroisse St. Jacques, le vingt sept Janvier mil huit cent trente.

[SEAL.] (Signed) J. FABRE, *Juge.*

Ninth.—The plaintiffs offered in evidence a certain document marked G, and endorsed "Vente d'une moitié d'habitation par Mr. Victorin Roman à Mr. André B. Roman du 18 Mai, 1816;" which document reads as follows:—

Pardevant moi Augustin Dominique Tureaud, Juge de la Paroisse St. Jacques, Cinquième District Sénatorial, Etat de la Louisiane, y residant, dûment autorisé à y remplir les fonctions notariales, et les témoins, ci-après nommés et soussignés. Fut présent le sieur Victorin Roman, habitant proprietaire et domicilié dans cette paroisse. Lequel à, par ces présents vendu, délaissé et transporté des maintenant et à toujours sous toutes les garanties de fait et de droit généralement quelconque.

Au Sieur André Bienvenu Roman, son frère, aussi domicilié en cette paroisse, à ce présent, et acceptant acquereur, pour lui, les siens, ses heritiers et ayant cause.

La moietié de l'habitation sur la quelle le vendeur fait maintenant sa résidence, située dans cette paroisse, sur la rive droit du

[illegible] de la Nouvelle Orléans, qui [illegible] par la borne supérieure [illegible] l'habitation de Dame Ve. Michel Cantrelle, et par l'inférieure [illegible] celle de feu Onézime Roman, ensemble la moietié de tous les edifices, et bâtisses généralement quelconque qui se trouvent sur l'habitation precitée circonstances et dependances.

Cette habitation appartient au vendeur, au moyen de l'acquisition qu'il en à faite, savoir: La moitié du nommé François Dauphin, homme de couleur libre, par acte devant moi juge soussigné, en datte du vingt sixième jour du mois de Janvier, et l'autre moitié du Sieur Pierre Saint Pé, par acte passé devant moi, juge et notaire soussigné, le même jour du mois de Janvier dernier. Cette vente est faite pour et moyennant la somme de quinze mille piastres, que l'acquereur promet et s'oblige d'acquitter et payer au vendeur, en quatre payemens égaux, dont le premier terme de trois mille sept cent cinquante piastres, devra être payé au vendeur, dans le courant du mois de Mars de l'année prochaine, mil huit cent dix sept, et les trois autres payemens de la même somme chacun, dans les mois de Mars des années mil huit cent dix huit, mil huit cent dix neuf et mil huit cent vingt.

A la garantie des payemens sus-énoncés, la moitié de l'habitation et ses dépendances, qui font l'objet de la présente vente, demeurent obligés, affectés et hypothéqués par privilège special expressément reservé au vendeur.

Sous la resèrve de ce privilege, le vendeur met et subroge l'acquereur, dans tous les droits de propriété qu'il a et peut avoir sur la moitié de l'habitation et de ses dépendances présentement vendus, s'en dessaisissant à son profit, voulant qu'il en soit saisi et mis en possession, par qui et ainsi qu'il appartiendra, constituant à cet effet pour procureur, le porteur d'une expédition des présentes, lui en donnant tout pouvoir: car ainsi &a. Promettant, obligeant et renonçant &a. Dont acte:—

Fait et passé en mon office en la paroisse St. Jacques le dix huitième jour du mois de Mai, mil huit cent seize, et de l'Independance des Etats Unis d'Amerique, la quarantième année, en présence des Sieurs Jean Vavasseur et Nicolas Joseph Bauquet de Laroque, témoins exprès requis et domiciliés, et les comparans témoins, et Juge et notaire ont signé le présent après lecture faite: ainsi, signé à l'original. V. Roman, A. B. Roman, Jean Vavasseur, N. J. B. Laroque et A. D. Tureaud, Juge et Notaire.

Delivré la présente copie, conforme à l'original resté déposé dans les archives de cette Paroisse, pour recours.

En foi de quoi je l'ai signée et scellée en marge, du sceau de mon office, en la dite paroisse Saint Jacques le septième jour du mois de Juillet mil huit cent dix huit et de l'Indépendance des Etats Unis de l'Amerique la quarante troisième année.

[SEAL.] (Signed) A. D. TUREAUD,
Juge.

marked Q. and endorsed "Vente [illegible] Victorin Roman 22 Oct'bre, 1828;" which [illegible]ment reads as follows:—

Pardevant Joseph Paul Fabre, Juge de Paroisse pour la paroisse St. Jacques, y residant, & exerçant d'office les fonctions de Notaire public pour la dite paroisse et en présence des temoins ci-après nommés et soussignés:

Fut présent le Sieur Victorin Roman, propriétaire habitant cette dite paroisse St. Jacques le quel a dit et déclaré vendre, céder et transporter, comme de fait il vend, cède et transporte par ces presentes, avec promesse de garantir de tous dons, dettes, evictions, hypothêques, et de tout autres empechemens généralement quelconques:

A Madame Louise Patin, veuve Jacques Roman, propriétaire habitant cette paroisse, à ce présente, acceptant et acquérant pour elle, ses heritiers, ou ayant cause:

La moitie indivise d'une habitation située en cette paroisse Saint Jacques, sur la rive droite du fleuve Mississippi, à environ dix neuf lieues audessus de la Nouvelle Orléans, et qu'il possède en commun avec son frère Andre Bienvenu Roman, proprietaire domicilié dans cette paroisse: la quelle terre ou habitation est établie en sucrerie et se compose de vingt sept arpens de face dont dix huit arpens ont une profondeur qui n'est pas déterminé, et neuf arpens ont une double profondeur de quatre vingts arpens: ensemble, la moitié indivise de tous les etablissements, edifices, moulin-à-sucre barrieres qui se trouvent dessus, tel que le tout se poursuit & comporte, sans en rien exceptes ni reserver, circonstances et dependances. La dite Dame veuve Jacques Roman, acquereur, déclarant connaître parfaitement la dite habitation, en être contente et satisfaite, et n'en pas desirer plus ample description.

Cette habitation est bornée par en haut par la propriété de Madame Ve. Michel Cantrelle, et par en bas, par celle appartenant aux heritiers de feu Jean Baptiste Cantrelle.

La moitié indivise de l'habitation présentement vendue appartient au vendeur pour l'avoir acquise comme suit savoir:

Le dit Sieur Victorin Roman a acquis des Sieurs Jean Batiste Armant, Michel B. Cantrelle, et Joseph Xavier Cantrelle, stipulant tant en leurs noms particuliers qu'au nom de leurs co-heritiers dans la succession de feu Michel Cantrelle, et aussi comme Executaires testamentaires du dit feu Michel Cantrelle, dix huit arpens de face de cette même terre sur une profondeur illimitée; ainsi qu'il conste de l'acte de vente passé au rapport de feu Augustin Dominique Tureaud, ci-devant juge de cette paroisse, sous la date du vingt sept Janvier mil huit cent seize; et attendû que la profondeur de ces dix huit arpens n'a jamais été determinée, il est expressément convenu entre les parties que dans la vente qu'il fait présentement de sa moitié indivise, le vendeur n'entend point donner d'autres titres que

[illegible] huit arpens, d'apres les titres primitifs, mais sans aucune [illegible] garantie de sa part à cet égard.

Les neuf autres arpens de face sur quarante de profondeur fûrent acquis par le Sieur André Bienvenu Roman à la vente publique et à l'encan qui se fit des biens de la succession de feu Onezime Roman par la cour des Preuves de cette paroisse le neuf Mars mil huit cent dix sept; ainsi qu'il résulte de l'acte de vente que lui en a passé Dame Celeste Cantrelle, veuve du dit Onezime Roman, au rapport de feu Augustin Dominique Tureaud ci-devant Juge de cette paroisse St. Jacques—sous la date du trois Mai de la dite année mil huit cent vingt sept; et la double concession fut achetée du Gouvernement des Etats-Unis.

Les dits Sieurs Victorin & André Bienvenu Roman ayant en suite formé une société pour l'exploitation de leurs terre respectives, ils les réunirent en une seule, et se passèrent reciproquement la vente de la moitié indivise de celles dont ils s'étaient rendus personellement acquereurs, ainsi qu'il est dit ci-dessus, et ainsi qu'il est constaté par les divers actes de vente passés au rapport du même Juge Tureaud; l'un, en dâte du dix huit Mai mil huit cent seize, et l'autre, en dâte du cinq Janvier mil huit cent dix neuf, aux quels actes reçus en minute, et déposés au Greffe de cette paroisse les parties déclarent se referer.

Pour, par la dite Dame Louise veuve Jacques Roman, prendre possession de la moitié indivise de l'habitation présentement vendue, aussitôt que le vendeur aura achevé la roulaison de cette année; et en jouir, faire et disposer à sa volonté, comme de bien lui appartenant legitimement en vertu de ces présentes.

La présente vente est faite et consentie pour et moyennant la somme de vingt sept mille piastres, sur la quelle la Dame acquereur a payé comptant, hors la vue du Juge et des témoins soussignés, et des avant les présentes, celle de cinq mille piastres au dit Sieur Vendeur, qui le reconnaît et lui en donne par le présent bonne et valable quittance. Et quant aux vingt deux mille piastres, qui restent dûs pour parfaire et compléter le prix de la présente vente; la dite Dame acquéreur promet et s'oblige de les payer au vendeurs en quatre termes égaux; et à cet effet, elle a fourni ses quatre billets à la date de ce jour, chacun d'eux de la somme de cinq-mille cinq cents piastres, à l'ordre de Messieurs S. & B. Roman, par qui ils sont endossés; le premier payable par tout le mois de Mars mil huit cent trente; le second partout le mois de Mars, mil huit cent trente et un; le troisième partout le mois de Mars, mil huit cent trente deux; et le quatrième et dernier billet payable partout le mois de Mars mil huit cent trente trois. Lesquels susdits billets ont été identifiés par le Juge soussigné avec le présent acte de vente et remis ensuite au Sieur Vendeur qui le reconnaît, et en consent décharge sous la foi de leur paiement á leurs échéances réspectives. Et à la garantie du parfait paiement de ces mêmes billets s'élevant ensemble

à la somme de vingt mille [illegible]
de l'habitation présentement ven[illegible]
hypothéquée en faveur du Vendeur [illegible] dite Dame acquéreur consentant qu' inscription de cette hypothéque soit prise conformement à la Loi, et partout ou besoin sera.

Le Juge de Paroisse Soussigné certifie en sa qualité de conservateur des hyphothéques pour la Paroisse St. Jacques, qu'il n'y a point d'autre hypothéque enregistrée en son bureau contre le sieur Victorin Roman sur la moitié indivise de l'habitation présentement vendue, que la suivante, savoir: celle légale résultant de l'obligation qu'il a souscrite le vingt neuf Avril mil huit cent vingt six, pour la somme de cinq mille piastres conjointement avec dame veuve Jacques Roman et André Bienvenu Roman, envers le gouverneur de l'Etat de la Louisiane, comme, caution solidaire du dit André Bienvenu Roman, principal obligé et le quel avait été dûment nommé Juge de paroisse pour la Paroisse Saint Jacques. Dont acte:— Fait et passé à la Paroisse Saint Jacques le vingt deuxiême jour du mois de Decembre mil huit cent vingt huit, l'an cinquante trois de l'Indépendance des Etats-Unis d'Amerique, en présence de Louis M. Taney et Valery Armant, témoins, qui ont signé avec les parties contractantes, et nous, Juge, après lecture.

(Signé à la minute:) V. ROMAN,
Ve. RIMAN,
L. M. TANEY,
VALERI ARMANT,
J. P. FABRE, *Juge.*

Pour copie conforme à la minute; en foi de quoi je l'ai signée & scellée du scéau de mon office à la Paroisse St. Jacques le vingt sept Janvier mil huit cent trente.

[SEAL] (Signed) J. FABRE, *Juge.*

Eleventh.—The plaintiffs offered in evidence a certain document endorsed—"Judicial sale of property of Vve. Jacques Roman & A. B. Roman, 29th June 1835;" which document reads as follows:

STATE OF LOUISIANA,
Parish of St. James:

Be it known that on this twenty-ninth day of June in the year one thousand eight hundred and thirty-five and the fifty-ninth of the Independence of the United States of America at the hour of ten o'clock A. M.

By virtue of a decree of the hone. the Court of Probates of the Parish of St. James aforesaid, under date of the twenty-sixth day of May last past: I, Louis M. Taney, Judge of the Parish of Saint James, duly commissioned and sworn, did repair to the plantation belonging jointly & equally to A. B. Roman & the heirs of the late Louise Patin deceased Widow Jacques Roman, and then and there

[illegible] and highest bidder [illegible] every kind and nature soever belonging to the partnership late existing between the said deceased Widow Jacques Roman & said A. B. Roman.

The conditions of the sale are as follows:

The plantation owned jointly and equally by late Widow Jacques Roman and A. B. Roman, together with the sixty-seven slaves, attached to said plantation, the cattle, the implements of husbandry and thirteen hundred and twenty shares in the Citizens' Bank of Louisiana, and all the rights and privileges accruing therefrom; for the amount of which, the said plantation, slaves, and other dependencies are mortgaged to be sold in a single lot, payable twenty thousand dollars cash, and the balance in three equal instalments, to fall due in the month of March of the year eighteen hundred and thirty-six, eighteen hundred and thirty-seven, and eighteen hundred and thirty-eight. The purchaser, to give satisfactorily endorsed notes, secured by a special mortgage and privilege upon said plantation and slaves until final payment.

And after having duly proclaimed the said conditions which had previously been posted up according to law at the following places, to wit:

1st. At the door of the court house of the Parish of Saint James. 2d. At the door of the public house kept by Joseph Landry P. M. of Bringier's P. O. 3d. At the door of the private billiard table belonging to Mr. F. B. Amant. And 4th, at the office of the Parish Judge of this parish.

And having also produced the certificate of the Parish Judge "ex officio" recorder of mortgages in and for the Parish of St. James, certifying that the following is the only mortgage recorded in his office, against the plantation, slaves, and other dependencies herein described and offered for sale; to wit:—

A mortgage in favor of the Citizens' Bank of Louisiana for thirteen hundred & twenty shares of said stock amounting together to the sum of one hundred and thirty-two thousand dollars, by an act passed before the undersigned parish judge "ex officio" notary public in and for this parish aforesaid, on the eighth day of April last past.

I, the undersigned parish judge, did proceed to the said sale at auction and to the last and highest bidder, as follows to wit:

1st. A sugar plantation owned jointly & equally by said A. B. Roman and the heirs of the late Widow Jacques Roman, situated in said parish on the right bank of the river Mississippi, measuring twenty-seven arpents front, eighteen of which have an unlimited depth and the balance a depth of eighty arpents, with the opening of fifty-one degrees, together with the growing crop and all the improvements thereon and thereunto belonging; bounded above by the plantation of Mr. J. X. Cantrelle and below by that of the heirs

of late J. [illegible] also [illegible] one horses; also the implements [illegible] articles described in the appraisement made by the undersigned judge on the twenty-eighth day of April last past.

Also thirteen hundred and twenty shares of the Citizens' Bank of Louisiana for which the said plantation and the slaves attached thereto are hypothecated.

Also sixty-seven slaves, whose names, sex and ages are as follows, to wit:—

1st Cesar, 26 years. 2d Walter, 28 years. 3d William, 26 years. 4th Joe Scable, 26. 5th Charles Wagner, 22. 6th Wilson, 24. 7th Bill, 32. 8th Charles Green, 32. 9th Scipio, 30. 10th John Hendey, 30. 11th Silvestre, 26. 12th John Bristol, 21. 13th Relf, 28. 14th Jack, 37. 15th Joe, 42. 16th Paris, 34. 17th Bob, 37. 18th Patrick, 37. 19th Petit Tom, 28. 20th Lodwell, 30. 21st James Parker, 27. 22d John Catra, 28. 23d Frederick, 30. 24th Sandwich, 30. 25th Richard, 34. 26th Isaac, 35. 27th Long Tom, 33. 28th Elias, 20. 29th Claiborne, 32. 30th Etienne Cabaret, 62. 31st Honoré, 27. 32d Ness, 19. 33d Sam, 28. 34th Abraham, 24. 35th Fanny, 42, and 36, her child of 9 years. 37th Mary, 34. 38th Harriet, 26. 39th Henriette grand pied, 32. 40th Rachel, 24. 41st Ann, 32. 42d Lucy, 28. 43d Petite Maria, 19. 44th Rosette, 20. 45th Jane, 24. 46th Henny, 30. 47th Eliza, 37. 48th and her child Jacob, 6. 49th Eddo, 11. 50th Caroline, 11. 51st Vieille Lucie, 42. 52d and her two children, John, 9. 53d and Christine, 2 and a half. 54th Diana 26 and her two children. 55th Henry, 5. 56th and Washington, 8 months. 57th Fanchette, 11. 58th Mary Sandy, 24. 59th Kitty, 26. 60th Kitty, 26. 61st Jane Dick, 32. 62d Zémire, 30. 63d Anna, 25. 64th Didia, 32. 65th Eliza, 29. And her two children 66th Louisa, 4. 67 and a sucking child.

Which said plantation, slaves, cattle, horses, implements of husbandry, bank stock and other moveables afore described, were adjudicated to Andrew Bienvenu Roman as the last and highest bidder for the sum of one hundred and fifteen thousand dollars.

$115,000 00

This done and closed at the Parish of St. James aforesaid, the day, month and year first above written in the presence of John B. Terchaud and Joseph L. Fabre witnesses residing in this parish, who did hereunto sign their names with the administrator of the estate of said Louise Patin deceased widow Jacques Roman the adjudicator of the afore described property and me judge after due reading thereof.

(Original signed) VALCOUR AIME,
A. B. ROMAN,
J. L. FABRE,
J. B. TERCHAUD,
L. M. TANEY, *Judge.*

ment to be a true copy of the original ... faith whereof witness my hand and seal of office hereunto set and affixed at said Parish of St. James on the thirty-first day of May Eighteen hundred and forty-nine.

(Signed) VICTORIN ROMAN.

Twelfth.—The plaintiffs offered in evidence a certain document marked C. purporting to be a correspondence between Canonge register, and commissioner of Genl. Land office on claim; which doc. has been already copied on page 10 of this transcript.

Thirteenth.—The plaintiff offered, for the inspection of the court, a certain colored plat, said to have been made by Bartholomew Lafon, U. S. Dy. Surveyor, bearing no date, and certified in blank form merely; of which the following is a copy:—

[For map see original, page 69.]

Fourteenth.—The plaintiffs offered in evidence document A: purporting to be a plat of the tract of land acquired from Michel Cantrelle, which document may be found on page 8 of this transcript.

Close of Evidence.

And after, at the same term to wit: on the eighth day of June A. D. 1849 was rendered and recorded the following

Judgment.

Which was duly engrossed and signed on the 9th of June, to wit:

Judgment.

UNITED STATES DISTRICT COURT,
Eastern District of Louisiana:

Sitting in Chancery.

May Term, 1849. { Friday, June 8th 1849. Present the Hone. Theo. H. McCaleb.

A. B. ROMAN
vs.
THE UNITED STATES. } No. 88.

This cause came on for hearing at the present term, to wit: on the second day of June, 1849, on the petition, answer, exhibits and proof of record, and was argued by counsel for the complainant and the attorney of the United States for the defendants; and the court being duly advised in the premises and having fully considered the

case, is well satisfied, from the evid[illegible] law, that the complainant is entitled to the r[illegible], as the present owner of six thousand nine hundred and [illegible] arpents of land originally granted by the French Government to Nicolas Verret:

It is, therefore, ordered, adjudged and decreed, that the said grant by the French Government, on the 25th of June, 1765, to Nicolas Verret, in so far as relates to the portion covered by the complainant's claim, to wit: of eighteen arpents front with all the depth that can be found, and situated on the right bank of the Mississippi river about nineteen leagues above the city of New Orleans at the Bayou "Cabaha-Nossé," is valid against the United States, and that the lands included within the same as hereinafter described, are the property of the petitioner, to wit:

Six thousand nine hundred and six arpents and twelve hundredths, situated in the Parish of St. James, at the Bayou Cabaha-Nossé, said lands fronting on the Mississippi river, and commencing at a point nine arpents below the said bayou and at the upper line of the property possessed and occupied by the petitioner and acquired from Onézime Roman, running back on the lower side line 321.00 chains in the direction S ¾ E, until the same strikes the Bayou "Icétaman," fronting on the river eighteen arpents and running back on its upper side line 386 chains in the direction S. 41° 15' W. until it strikes the aforesaid Bayou "Icétaman," the two side lines being joined by the back line 308 chains long and having the direction S. 78 E. according to the plat of survey of said land filed in this cause and marked A.

It is further ordered, adjudged and decreed that the claim of the petitioner for nine arpents six toises front with the usual depth of forty arpents, be and the same is hereby dismissed; the court being without jurisdiction to pass upon the validity of the title to the same.

Judgment rendered 8th June 1849.

Judgment signed 9th June 1849.

[SEAL] (Signed) THEO. H. McCALEB,
U. S. Judge.

And thereafter at the same term to wit: on the said 9th day of June was moved for in open court and granted the following

Order of Appeal.

UNITED STATES OF AMERICA,
Eastern District of Louisiana, ss.
May term, 1849.

Before the Honorable Theodore H. McCaleb, Judge of the District Court of the United States for the Eastern District of Louisiana.

Saturday, June [illegible] 1849.

On motion of [illegible], attorney of the United States for the Eastern District of Louisiana, and of Thomas J. Durant, on the same side, and on giving the said judge here to understand and be informed that they verily believe there is error to the prejudice of the United States in a certain judgment lately rendered by this honorable court, at this term, against the United States, in the matter of *A. B. Roman* vs. *The United States*, number thirty-eight on the docket of this court, and that they desire to appeal from said judgment.

It is therefore ordered by the court that an appeal from said judgment be now allowed in favor of the United States, returnable into the Supreme Court of the United States, at the next term thereof after the date of this order.

UNITED STATES OF AMERICA,
Eastern District of Louisiana:

I, Needler R. Jennings, Clerk of the District Court of the United States sitting at New Orleans in and for said district, do hereby certify, that the foregoing seventy-three folios (including plans on fols. 8, 9 and 69 contain and form a true, faithful, correct and complete transcript of all the proceedings, process, pleadings, documents, and other matters on file and of record in a certain cause in chancery, wherein A. B. Roman is plaintiff and the United States of America are defendants. No. 38 of the land docket of said court.

In testimony whereof, I have hereunto set my hand, and affixed the seal of said court, at the city of New Orleans, this first day of September, one thousand eight hundred and forty-nine, and the 74th year of American Independence.

[SEAL.] N. R. JENNINGS,
Clerk U. S. District Court, Eastern Dist. of Louisiana.

I, Theodore H. McCaleb, Judge of the District Court of the United States for the Eastern District of Louisiana, do certify, that N. R. Jennings, who subscribed the above certificate, was, at the time of signing the same, and is now, the duly appointed and legally authorized clerk of said court; that full faith and credit are due and ought to be given to all his attestations as such clerk, and that his above certificate is in due form of law.

Witness my hand and seal at New Orleans, this 24th day of September, A.D. 1849.

[SEAL.] THEO. H. McCALEB.